

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 32446 of 1997

Between:

- 1 M/s the Nellore Dist. Scheduled Casts Contract Co-operative Society Ltd.,
Rep. by K. subbaramaiah Gayatri Nagar,
Nellore.
- 2 M/s Sri Ankamma Devata Waddera Labour Contract Co-operative Society
Ltd.,
Rep. by Ankaiah Althurthi (V),
Podalakur (M), Nellore.
- 3 Botla Kanakuru Labour Contract Co-operative Society Rep. by K. Munem
Bolta Kanupuru (V) Oaili (M),
Nellore Dist
- 4 Budanam Waddera Labour Contract Co-op Society Society Ltd. Rep. by Ch.
Balaiah,
Budanam (V), Chilakur (M),
Nellore Dist
- 5 Arimanupadu Labour Contract Co-operative Society Rep. by T. Ankaiah,
Arimanupadu (V), Ozili (M),
Nellore Dist
- 6 Dubagunta Waddera Labour Contract Co-op. society Rep. by Ch. Venkataiah
Dubagunta (V), A.S. Pet (M),
Nellore Dist
- 7 Thatiparthi Palem Waddera Labour Contract Co-op. Society Ltd Rep. by V.
Veera Raghavaiah,
Thatiparthi Palem (V), Venkatachalam (M),
Nellore Dist.
- 8 Chenchulakshmi Scheduled Tribes Labour contract Co-op Society Ltd.,
Rep. by A. Janardhan, Venkatarama Raju Peta,
chintalapalem Post, Kalavai (M), Nellore Dist.
- 9 Athi Varam Scheduled Casts Labour Contract Co-op Society Rep. by D.
Penchalaiah,
Athivaram (V), Nellore Dist.
- 10 Mittatmakur SC/ST Labour Contract Co-op Society Ltd., Rep. by B.
Subbaiah,
Mittamakur (V), Gudur (M),
Nellore Dist.

- 11 bhavani Waddera Labour Contract Co-op Society , Rep. by Y. Shankaraiah,
Chandramouli Nagar, Nellore Dist.
- 12 Thalamachi Labour Contract Co-op Society Ltd., Rep. by V. Venkateshwarlu,
Thalamachi (V), Kadavaloor (M),
Nellore Dist.
- 13 Sri Kullaya Swamy Waddera Labour Contract Co-op society Ltd.,
Rep. by M.V. Kullayappa, Simhadripuram (M),
Cuddapah Dist.
- 14 Sri Srilakshmi Sri Srinivasa SC/ST Labour Contract Co-op society Ltd.,
Rep. by B. Subramanyam, K.R.Puram,
Manubolu (M), Nellore Dist.
- 15 Ujwala Labour Contract Co-op Society Ltd., Rep. by P. chellaiah,
Komminipally (V), Sullurpet (M),
Nellore dist.
- 16 Korida Harijana Labour Contract Co-op Society Ltd., Rep. by M. Venkataiah
Sullurpet (M), Nellore Dist.
- 17 Dr. Babasaheb Scheduled Casts Labour Contract Co-op Society Ltd.,
Rep. by S. Sreenivasulu, Kranthi Nagar,
Nellore Dist.
- 18 Sri Venkateshwara Waddera Labour Contract Co-op Society Ltd.,
Rep. by M. Venkataiah, Manubolu
Nellore.
- 19 Sri Srinivasa Waddera Labour Contract Co-op Society Ltd., Rep. by M.
Ramaiah,
Rettapally, Chilakur (M),
Nellore Dist.
- 20 West Gudur Waddera Labour Contract Co-op Society Ltd., Rep. by Ch.
Ramanaiah
West Gudur, Nellore Dist.
- 21 Settigunta Arundathiya Labour Contract Co-op Society, Rep. by G. Venkaiah,
Setigunta Road, Nellore.
- 22 Kalvai Waddera Labour Contract Co-op Society Ltd., Rep. by T.
Venkataswamy,
Kalvaoi, Nellore Dist.
- 23 Nehru Nagar Labour Contract Co-op Society Ltd., Rep. by K. Sesshaiah,
Nagumitta, Nellore Dist.

..... PETITIONERS

AND

- 1 Superintending Engineer
R & B Circle, Elluru.
- 2 Superintending Engineer
Panchayatraj Circle, Cuddapah.
- 3 Superintending Engineer
Panchayat Circle, Guntur,
(Dismissed for default as per court order dt:6.9.2000 as against RR 3)
- 4 Superintending Engineer
Panchayat Circle, Ongole.
(Dismissed for default as per court order dt:6.9.2000 as against RR 4)
- 5 Superintending Engineer

- Panchayatraj Circle, Chittoor.
- 6 Superintending Engineer
Panchayatraj Circle, Nellore.
- 7 Superintending Engineer
Irrigation Circle, Eluru,
W.G.Dist.
- 8 Executive Engineer,
R & B Division, Nellore.
- 9 Executive Engineer,
R & B Division, Gudur,
Nellore.
- 10 Executive engineer,
R & B Division, Kavali, Nellore.
(Dismissed for default as per court order dt:6.9.2000 as against RR 10)
- 11 Executive Engineer,
R & B National High Way, Gudur,
Nellore.
- 12 Executive Engineer,
Panchayatraj Division, Gudur,
Nellore.
- 13 Executive Engineer,
Panchayatraj, Kavali,
Nellore.
- 14 Executive Engineer,
Panchayatraj Division, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in insisting the petitioner societies for payment of Earnest Money Deposit, Commercial Tax Clearance Certificate or imposing any condition or experience in connection with all tender notices issued on or after 11-11-97 arbitrary, illegal and unreasonable and consequently direct the respondents no to insist payment of Earnest Money deposit up to any value of the work, Commercial Tax Clearance certificate from the petitioners at the time of allotment of works in tender notices issued on or after 11-11-97 and issue tender schedules to the petitioners in all tender notices issued on or after 11.11.97 irrespective of condition or all type of work experience and district in whichever they register.

Counsel for the Petitioners: MR.KOONA REDDY ANJI REDDY (Not present)

Counsel for the Respondents: GP FOR ROADS & BUILDINGS (Not present)

The Court made the following :

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 32446 of 1997

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ORDER:

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The petitioners filed this writ petition seeking to declare the action of the respondents in insisting them for payment of earnest money deposit up to any value of the work, and production of commercial tax clearance certificate and experience certificate at the time of allotment of works or issuance of tender schedules in connection with all tender notices issued on or after 11-11-1997, as arbitrary and illegal, and consequently to direct the respondents not to insist them as such, and to issue tender schedules to them irrespective of any condition like all type of work experience and district in which they register.

When the matter came up today for hearing, none appears for the petitioners as well as the respondents.

The main relief and the interim relief sought for by the petitioners are one and the same. This Court while admitting the writ petition by order, dated 05-12-1997, granted interim direction in W.P.M.P. No.38093 of 1997. By virtue of the interim direction, no orders are required to be passed.

Therefore, the writ petition is dismissed as having become infructuous. No costs.

N.V. RAMANA, J

Date: 01-04-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 Superintending Engineer
R & B Circle, Elluru.
- 2 Superintending Engineer
Panchayatraj Circle, Cuddapah.
- 3 Superintending Engineer
Panchayat Circle, Guntur,
- 4 Superintending Engineer
Panchayat Circle, Ongole.
- 5 Superintending Engineer
Panchayatraj Circle, Chittoor.
- 6 Superintending Engineer
Panchayatraj Circle, Nellore.
- 7 Superintending Engineer
Irrigation Circle, Eluru,
W.G.Dist.
- 8 Executive Engineer,
R & B Division, Nellore.
- 9 Executive Engineer,
R & B Division, Gudur,
Nellore.
- 10 Executive engineer,
R & B Division, Kavali, Nellore.
- 11 Executive Engineer,
R & B National High Way, Gudur,
Nellore.
- 12 Executive Engineer,
Panchayatraj Division, Gudur,
Nellore.
- 13 Executive Engineer,
Panchayatraj, Kavali,

Nellore.

14 Executive Engineer,
Panchayatraj Division, Nellore.

15 Two Ccs., to the Government Pleader for Roads and Buildings, A.P.
Hyderabad (OUT).

16 Two CD copies

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